REMARKS

This response is intended as a full and complete response to the final Office Action mailed on September 12, 2005. In the Office Action, the Examiner notes that claims 1-21 are pending and rejected.

By this response, Applicants have amended claims 1 and 10-13. Claims 4 and 5 have been canceled. The amended claim 1 now includes all the limitations of the previous claims 4 and 5. No new matter has been added. No new search is required.

In view of both the amendments presented above and the following remarks, Applicants submit that the claims now pending in the application are not anticipated and non-obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all the claims are allowable.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

OBJECTIONS

The Drawings

The Examiner has objected to the drawings because in FIG. 2A, the second indicator in the pair of channel indicators should be –216b—not "214b". Corrected drawings in compliance with 37 C.F.R. 1.121(d) are submitted herewith. The correction requested by the Examiner has been made. Applicants respectfully request that the Examiner's objection be withdrawn.

The Claims

The Examiner has objected to claims 10-13 because the word "include" in line 1 of each of the claims should be –includes--. Applicants have amended claims 10-13 as suggested by the Examiner. Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

396231-1

REJECTIONS

REJECTION UNDER 35 U.S.C. §102

Claims 1-21

The Examiner has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by Pandya et al. (USPN 6,671,724, hereinafter "Pandya").

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Pandya reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Applicants' independent claims 1, 19 and 20 recite:

> 1. (currently amended) A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:
> at the remote location, receiving status from the head-end relating to one or more operations performed at the head-end;
> receiving identities of one or more remote devices designated to receive status;
> receiving an indication of capabilities of each remote device designated to receive status; and
> forwarding at least a subset of the received status from the remote location to one or more remote devices, wherein status are forwarded to each of the one or more remote devices in conformance with the indicated capabilities. (emphasis added).

> 19. A method for monitoring, from a remote location, operation of a head-end in an information distribution system, the method comprising:
> at the remote location, receiving information from the head-end relating to one or more operations performed at the head-end, wherein the received information includes status and indications of possible error conditions relating to the one or more operations performed at the head-end;
> receiving, at the remote location, identities of one or more remote devices designated to receive the information relating to the one or more operations performed at the head-end; and

forwarding at least a subset of the received information from the remote location to the one or more remote devices. (emphasis added).

20. A method for remotely monitoring and controlling operation of a head-end in an information distribution system, comprising:

providing, from a remote location to one or more remote devices, status from the head-end relating to one or more operations performed at the head-end;

receiving, at the remote location, from a particular remote device one or more response messages; and

adjusting at least one parameter of a particular operation performed at the head-end in accordance with the one or more response messages.

Pandya discloses a method for monitoring, from a remote location, network resources in a distributed networking environment. More specifically, Pandya discloses on column 11, lines 43-45 and column 15, lines 6-22:

More specifically, the outgoing traffic rate may be controlled using a plurality of priority-based transmission queues, such as transmission queues 132a. When an application or process is invoked by a computing device with which agent 70 is associated, a priority level is assigned to the application, based on centrally defined policies and priority data supplied by the control point. Specifically, as will be discussed, the control points maintain user profiles, applications profiles and network resource profiles. These profiles include priority data which is provided to the agents.

During re-allocation, traffic module 160 divides the total bandwidth available for the upcoming cycle among the agents within the domain according to the priority data reported by the agents. The result is a configured bandwidth CB particular to each individual agent, corresponding to that agent's fair share of the available bandwidth. The priorities and configured bandwidths are a function of system policies, and may be based on a wide variety of parameters, including application identity, user identity, device identity, source address, destination address, source port, destination port, protocol, URL, time of day, network load, network population, and virtually any other parameter concerning network resources that can be communicated to, or obtained by the control point. The detail and specificity of client-side parameters that may be supplied to the control point is greatly enhanced in the present invention by the position of agent redirector module 130 relative to the layered communications protocol stack. The high position within the stack allows bandwidth allocation and, more generally, policy implementation, to be performed based on very specific triggering criteria. This greatly enhances the flexibility and power of the invented software, systems and methods.

Pandya discloses in the sections cited by the Examiner the application associated with the agent (remote location) is supplied with information from the control points (head end) for re-allocation of bandwidth. The information can be any parameters concerning network resources. Pandya does not disclose teach or suggest receiving identifiers of the one or more remote devices. Pandya is completely silent on the information pertaining to one or more remote devices being received by the agent (remote location) from the control points (head end).

Pandya discloses a control point performs the functions of informing the agents in its domain how to handle request for resources. The control point may also send messages via email or paging to IT personnel regarding resource status as states on column 19, lines 7-31. When the control point communicates with IT personnel through email and page, no identity information of the remote devices are provided to the agent. The agent does not communicate with any remote devices. Thus, Pandya discloses that the control point (head end) shares status information with the agent (remote location) associated with the application, and the control point (head end) may also inform IT personnel through email or pager (one or more remote devices) regarding this status. Pandya does not disclose, teach or suggest the agent receiving the identity of the email or pager of the IT personnel from the control point indicating the capabilities of the email or pager of the IT personnel; and forwarding from the agent to the IT personnel through email or pager in conformance with the indicated capabilities.

The Examiner asserts that it is inherent that the status is forwarded to the remote devices in conformance with indicated capabilities. Pandya is silent on the remote location forwarding to the remote devices. Also in Pandya, the status information is forwarded to the remote device in the form of emails or pager messages. There is no disclosure, teaching or a suggestion in Pandya that the status is in conformance to any indicated capabilities. It is not inherent in Pandya that the status forwarded (email or page) conforms to any indicated capabilities because the email and/or page of Pandya will be sent independent to any indicated capabilities. Pandya fails to disclose the remote location receiving the identities of the one or more remote devices, receiving an indication of the capabilities of each remote device, and forward the status to one or more remote device according to indicated capabilities.

Regarding claim 20, the examiner asserts that the control points and agents may be located at a remote location. As clearly disclosed in Pandya, the control points and agents are not and can not be located at the same remote location (See FIG. 4). Moreover, Pandya does not disclose a <u>remote device</u> sending <u>response messages</u> for <u>adjusting</u> as claimed. Furthermore, Pandya does not disclose any resource information being transmitted from a remote location to a remote device as claimed. Thus, Pandya is silent on the remote device providing to a remote device status at a head end; receiving at the remote location response messages from a particular remote device; and adjusting at least one parameter of a particular operation performed at the head-end in accordance with response messages.

In light of the remarks above, Applicants submit that Pandya does not anticipate independent claims 1, 19 and 20. It is believed that independent claims 1, 19 and 20 are allowable under 35 U.S.C. §102. Furthermore, dependent claims 2-18 and 21 depend directly or indirectly from independent claims 1, 19 and 20 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to independent claims 1, 19 and 20, Applicants submit that these dependent claims are also not anticipated by Pandya and are allowable under 35 U.S.C. §102. Therefore, Applicants respectfully request that the rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Applicant submits that claims 1-3 and 6-21 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested

396231-1

that the Examiner telephone <u>Eamon J. Wall</u> or Jasper Kwoh at (732) 530-9404 so that

appropriate arrangements can be made for resolving such issues as expeditiously as

possible.

Respectfully submitted,

Dated: 11/10/05

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AMENDMENTS TO THE DRAWINGS

Please amend the drawings. A replacement sheet is attached.

Attachments:

Replacement Sheet